

1 MELINDA HAAG (CABN 132612)
United States Attorney

2 J. DOUGLAS WILSON (DCBN 412811)
3 Chief, Criminal Division

4 KYLE F. WALDINGER (ILBN 6238304)
5 Assistant United States Attorney

6 450 Golden Gate Avenue, 11th Floor
7 San Francisco, California 94102
Telephone: (415) 436-6830
Facsimile: (415) 436-7234
E-mail: kyle.waldinger@usdoj.gov

8 Attorneys for Plaintiff

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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,) No. CR 07-0568 EMC
14 Plaintiff,) PARTIES' JOINT REQUEST TO CONTINUE
15 v.) SENTENCING HEARING AND [PROPOSED]
16 MARK JACOBSON,) ORDER
17 Defendant.)
18 _____)

19 It is hereby stipulated by and between counsel for the United States, Assistant U.S.
20 Attorney Kyle F. Waldinger, and counsel for defendant Mark Jacobson, Thomas F. Carlucci, that,
21 subject to the Court's approval, the sentencing hearing presently set for October 30, 2013 be
22 continued and set for a sentencing hearing on December 4, 2013 at 2:30 p.m. The United States
23 has learned from the Court's publicly posted availability information that the Court is available
24 on that date. The United States has also consulted with the assigned Probation Officer, who
states that she is also available on that date.

25 The defendant Mark Jacobson pled guilty pursuant to a plea agreement on September 24,
26 2007 to one count of conspiracy to misappropriate, receive, possess, and transmit trade secrets,
27 gain unauthorized access to a protected computer, exceed authorized access to a protected
28 computer, and traffic in a password allowing unauthorized access to a protected computer, in

JOINT REQ. & [PROPOSED] ORDER
CR 07-0568 EMC

1 violation of 18 U.S.C. §§ 1832(a)(5) and 371. The case was referred to the Probation Office for
2 a presentence report. The plea agreement also includes standard terms of cooperation.

3 The parties jointly request that the sentencing hearing on October 30, 2013 be continued
4 to December 4, 2013 at 2:30 p.m. As the Court is aware, Mr. Jacobson testified in April 2013 in
5 the trial of the defendant David Nosal in case number CR 08-0237 EMC. The defendant Nosal's
6 sentencing hearing was originally scheduled for September 4, 2013, but that date was later
7 continued to October 9, 2013. The parties jointly request that Mr. Jacobson's sentencing date be
8 continued to December 4, 2013 in order to provide the government sufficient time to fully assess
9 the value of his cooperation with the government following the Nosal sentencing. In addition, it
10 is possible that Mr. Jacobson may provide additional cooperation with respect to the Nosal
11 sentencing.

12 For all of these reasons, the parties jointly request that this Court vacate the sentencing
13 hearing presently set for October 30, 2013 and set a sentencing hearing for December 4, 2013 at
14 2:30 p.m. In addition, the parties jointly request that the due dates for the presentence report be
15 calculated using the new sentencing date.

16 SO STIPULATED.

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18 Dated: August 21, 2013

MELINDA HAAG
United States Attorney

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/s/

KYLE F. WALDINGER
Assistant United States Attorney

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23 Dated: August 21, 2013

/s/

THOMAS F. CARLUCCI
Attorney for defendant Mark Jacobson

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1 **[PROPOSED] ORDER**

2 GOOD CAUSE APPEARING,

3 IT IS ORDERED that the sentencing hearing presently set for October 30, 2013 is
4 vacated. The parties are ordered to appear for a sentencing hearing on December 4, 2013, at 2:30
5 p.m. The final presentence report should be disclosed two weeks prior to the sentencing date.

6 21st
7 Dated this ____ day of August, 2013.

